

REMARKS

Claims 8-13 and 17-22 are currently pending in this application as amended. Claim 8 has been further amended to recite that the revenue system includes at least one revenue acceptor portion, and that each revenue acceptor portion is simultaneously accessible with the front of the display housing at all times. Claim 18 has similarly been further amended to recite that the coin acceptance slot and the currency acceptance slot are both simultaneously accessible with the front of the display housing at all times. Support for these supplemental amendments may be found, for example, at least in the original drawings, and in the original Specification at page 4, line 23 through page 5, line 9. Accordingly, no new matter has been added.

Telephone Interview with Examiner

Applicants wish to thank the Examiner for the telephone interview conducted on March 4, 2009 with Applicant's undersigned representative. The claims as presented in the Amendment Accompanying the RCE of December 3, 2008 were discussed in light of the Examiner's rejection over Binkley. The Examiner indicated that the amendments were likely to result in a further rejection of the claims, and so permitted the Applicant to present a supplemental amendment to the claims in light of the discussion of Binkley. Accordingly, Applicant presents this supplemental amendment.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 8-11, 13, and 17-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0060270 ("Binkley"). Applicant respectfully traverses the rejection and requests that the rejection of claims 8-11, 13, and 17-22 be withdrawn for at least the following reasons.

Claim 8, as amended, is directed to a flatscreen touchscreen table-top amusement device and recites, *inter alia*,

the rear-mounted support stand configured to receive and support the display housing, the rear mounted support stand configured to receive a revenue system having at least one revenue acceptor portion, the rear mounted support stand and revenue system being generally aligned about a middle of the display housing, at least a portion of the revenue system being located behind the display housing between the top edge and the bottom

edge of the display housing, each revenue acceptor portion being simultaneously accessible with the front of the display housing at all times.

[Emphasis added]

Claim 18, as amended, is similarly directed to a flatscreen touchscreen table-top amusement device and recites, *inter alia*,

the rear-mounted support stand configured to receive and support the display housing, the rear-mounted support stand including a coin acceptor having a coin acceptance slot located in a top front facing section of the rear-mounted support stand above a top edge of the display housing and a paper currency acceptor having a paper currency acceptance slot located in a bottom front facing section of the rear-mounted support stand below the bottom edge of the display housing, at least a portion of the coin acceptor being located behind the display housing between the top edge and the bottom edge of the display housing, the coin acceptance slot and the currency acceptance slot being simultaneously accessible with the front of the display housing at all times.

[Emphasis added]

Binkley fails to teach, suggest, or disclose each revenue acceptor portion being simultaneously accessible with the front of the display housing at all times.

Referring to Figs. 5-6, Binkley discloses a gaming terminal 10" having a monitor 16" resting on a support surface 21" of an upper portion 12U" of a base 12". A support arm 22" with lateral protruding members 22a", 22b" are received in arcuate recesses 23a", 23b" in the upper portion 12U" for moving the monitor 16" to a desired position relative to the base 12". See paragraph [0040]. A middle portion 12M" of the base 12", located completely below the monitor 16", includes a card reader 15 and payment apparatus 122". See paragraph [0037].

As the Examiner pointed out in the interview, it appears from Fig. 6 that the monitor 16" can be moved down such that the card reader 15 and the payment apparatus 122" are both located between a top portion and a bottom portion of the monitor 16". In this configuration however, the card acceptance slot of card reader 15 or payment slot of payment apparatus 122" would be inaccessible to the user, as the monitor 16" would block these components.

Claims 8 and 18 have been amended to call for each revenue acceptor portion, such as a coin acceptance slot and a currency acceptance slot (see 22a, 24a in Figs. 1-2 of the present application) are simultaneously accessible with the front of the display housing at all times. That is, a user can always access the display and all revenue inputs. This is clearly not shown expressly or inherently in Binkley, because the monitor 16" includes certain orientations that obscure the revenue acceptor portions of the payment apparatuses. Accordingly, Binkley cannot anticipate claims 8 or 18 because it fails to disclose all of the elements of the respective claims. M.P.E.P. § 2131.

Additionally, it would not be possible for the revenue acceptor portions of the card reader 15 and payment apparatus 122" in Binkley to be simultaneously accessible with the front of the monitor 16" at all times, because such a configuration would require significant relocation and render Binkley unfit for its intended purpose. The relocation to meet the above-listed element of claims 8 and 18 would either (i) interfere with the recesses 23a", 23b", (ii) place the revenue acceptor portions in an uncomfortable location for the user, or (iii) would still not meet the claims because no part of the revenue system would be located between the top and bottom edge of the display housing.

By interfering with the recesses 23a", 23b", adjustability of the monitor 16" is unduly limited. The object of Binkley is to provide a gaming terminal with adjustable components so that a gamer may play a game in a comfortable position, "which may significantly increase the duration of time a gamer will remain at that gaming terminal." See paragraphs [0002], [0008], [0026]. By moving a portion of a revenue system behind and between the top and bottom edges of the monitor 16", the object of Binkley is eviscerated, rendering Binkley unworkable for its intended use. M.P.E.P. §§ 2143.01(V), 2145(III). Similarly, placing the revenue acceptance portions in an uncomfortable location would decrease the duration of time a gamer would remain at the terminal. If the user must repeatedly bend over to put coins into the coin slot, the user will tire. It is well known in gaming that placement of coin slots or the like in an easily reachable location will maximize comfort of the user and result in the user spending more. Lastly, any movement of the card reader 15 or payment apparatus 122" to accommodate the above-listed element of claims 8 and 18 would most likely result in having the entire card reader and payment apparatus be located below the bottom edge of the housing, which does not meet the claim

element of at least a portion of the revenue system being located between the top and bottom edge of the display housing.

Claim 18 is further not anticipated by Binkley because claim 18 requires a coin acceptance slot above a top edge of the display housing. The Examiner acknowledges this deficiency with respect to claim 12, but fails to do so with respect to claim 18. Binkley shows the card reader 15 and payment apparatus 122" both clearly below the monitor 16". No portion of the base 12" is even visible above the monitor 16". Accordingly, for this additional reason, claim 18 cannot be anticipated by Binkley.

Additionally, it would not be possible to modify Binkley to meet this element of claim 18, as suggested by the Examiner with respect to claim 12. Placing a coin slot above the monitor 16" would again entail interference with the arcuate recesses 23a, 23b of the base 12", unduly limiting the desired adjustability of the monitor 16". For example, either the coin bucket or itself or a passage to the coin bucket would necessarily have to be placed beneath the coin slot, which interferes with the arcuate recesses 23a, 23b. Further, placement of the coin slot above the monitor 16" in Binkley would place the slot in an uncomfortable location for the user, who would have to reach or stand up every time another coin was required. Such a modification to Binkley would also render it unfit for its intended use.

Accordingly, because Binkley does not include and could not be modified to include each revenue acceptor portion being simultaneously accessible with the front of the display housing at all times, as called for by claims 8 and 18, and because Binkley does not include and could not be modified to include a coin slot above the top edge of the display housing, as called for by claim 18, Applicant respectfully requests that the rejection of independent claims 8 and 18 be withdrawn.

Claims 9-11, 13, 19, and 21 are dependent upon claim 8. Applicant respectfully requests that the rejection of claims 9-11, 13, 19, and 22 based upon anticipation by Binkley be withdrawn due to at least their dependence on claim 8.

Claims 20 and 22 are dependent upon claim 18. Applicant respectfully requests that the rejection of claims 20 and 22 based upon anticipation by Binkley be withdrawn due to at least their dependence on claim 18.

Claim Rejection Under 35 U.S.C. § 103(a)

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Binkley. Applicant respectfully traverses the rejection and requests that the rejection of claim 12 be withdrawn for at least the following reasons.

Claim 12 is dependent upon claim 8. As described above, Binkley fails to teach, suggest, or disclose at least one element of claim 8, namely, each revenue acceptor portion being simultaneously accessible with the front of the display housing at all times. The Examiner's rejection does not cite any other reference, and therefore the deficiency of Binkley as a prior art reference is not ameliorated. Further, as discussed with respect to claim 18, Binkley could not be modified to include a coin slot above the top edge of the display housing. Accordingly, Applicant respectfully requests that the rejection of claim 12 based upon obviousness by Binkley be withdrawn due to at least its dependence on claim 8, and because the reference cannot be modified to meet claim 12 without being rendered unfit for its intended purpose.

CONCLUSION

In view of the foregoing Supplemental Amendment and Remarks, it is respectfully submitted that the present application including claims 8-13 and 17-22, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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(Date)

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